

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JEREMY LEE COLLINS,

Plaintiff,

v.

ALEX BEBB, et al.,

Defendants.

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Case No. 17-3050-CM

ORDER

This matter comes before the court upon plaintiff's Motion for Issuance of Documents (ECF No. 46). For the following reasons, plaintiff's motion is denied.

Plaintiff, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983. He alleges he was subjected to excessive force by the defendants during his arrest on August 29, 2015. In his motion, he seeks the following: (1) a copy of the receipt of what he has paid toward the filing fee and what is currently owed; (2) five subpoena forms for discovery of documents and instructions on how to fill out the forms; and (3) copies of all attachments submitted with his first complaint on March 24, 2017.

On March 28, 2018, the clerk's office responded to his first and third requests. He was sent a copy of his filing fee balance and a copy of his first complaint. Thus, the court finds that those requests are denied as moot.

The court now considers his request for issuance of five subpoena forms. He has not identified to whom he intends to issue the subpoenas and what documents he seeks.

The issuance of subpoenas is governed by Fed.R.Civ.P. 45. Subpoenas may be issued to command a person to attend a hearing or trial or direct a person to produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or

control.¹ A *pro se* litigant who is not a licensed attorney may not issue subpoenas on his own and must seek them from the court.² The court has an obligation to ensure that a requested subpoena would not pose an undue burden or expense on the person responding to the subpoena.³

The court must deny plaintiff's request. Plaintiff must file a motion to serve subpoenas and he must provide enough information for the court to determine if each subpoena should be issued. He needs to specify who he wishes to subpoena and for what reason. If he seeks production of documents, he needs to specify exactly what documents he is seeking.

IT IS THEREFORE ORDERED that plaintiff's Motion for Issuance of Documents (ECF No. 46) is denied. Plaintiff's request for subpoena forms is denied without prejudice.

IT IS SO ORDERED.

Dated this 17th day of April, 2018, at Topeka, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

¹Fed.R.Civ.P. 45(a).

² *United States v. Meredith*, 182 F.3d 934, 1999 WL 381128, at *1 (10th Cir. 1999)(unpublished).

³ Fed.R.Civ.P. 45(c)(1).